

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED

## UNITED STATES DISTRICT COURT

for the

Western District of Virginia

United States of America )  
v. )  
JOHNNY ALPHONSO HARLEY )

Date of Previous Judgment: 11/09/2009  
(Use Date of Last Amended Judgment if Applicable)

) Case No: 4:06CR00040-001  
USM No: 07224-084  
Defendant's Attorney

JAN 24 2012  
JULIA C. DUDLEY, CLERK  
BY: *M. H.*  
DEPUTY CLERK

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (*explain*): \_\_\_\_\_

**III. ADDITIONAL COMMENTS**

The guideline sentencing range applicable to Defendant was not reduced; consequently, Defendant is not eligible for a reduction under Amendment 750.

Except as provided above, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 01/24/2012


Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Senior United States District Judge

Printed name and title